

Committee to Revise the State Board Rules Governing Special Education		
Current	Proposed	Guidance
D. Child Identification and Referral. Child Find		
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.	1. Each public education agency (PEA) shall be responsible for implementing an ongoing child find system to locate, identify, and evaluate children suspected of having a disability from ages 3 through 21 within each PEA's defined enrollment boundaries. The child find system includes all children as defined in 34 CFR §300.111. 2. Each PEA shall be responsible for making referrals to the Arizona Early Intervention Program for children from birth through age three. 3. Public education agencies may implement general education interventions and to the extent possible, resolve the area of concerns in general education programs, such as would take place in a screening for instructional purposes, in accordance with 300.302, before initiating a referral for an evaluation of a suspected disability in collaborative decision-making with a parent. <i>a.</i> If a parent or guardian suspects that a child has a disability, the parent may at any time, inform	
2. Each public education agency will require all school-based staff to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of staff review.		
3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.		
4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:		
a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;		
b. The student is enrolled in a non-profit		

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private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.	<p>the school in writing. The PEA then has 10 business days to acknowledge the request and to notify the parent or guardian in writing of the PEA's procedures to follow up on a suspected disability.</p> <p>b. If a PEA suspects a child has a disability, it has 10 business days to notify the parent or guardian, in writing, of the suspected disability and the procedures to follow up on the suspected disability.</p> <p>4. At any time a PEA, subject to prior written notice requirements and procedural safeguards, may take either of the following actions within a reasonable period of time:</p> <p>a) deny the request or b) initiate a referral for an initial special education evaluation.</p>	
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:		
a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or		
b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years.		
6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.		
7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for		

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a full and individual evaluation or other services.		
8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.		
9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.		
10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally-placed private school students the school district within whose boundaries the non-profit private school is located is responsible for such evaluation.		

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11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.		

Considerations, Recommendations and Suggestions for the Rule Committee
D. Child Find

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E. Evaluation/re-evaluation.		
<p>1. Each public education agency shall establish, implement, disseminate to its school-based personnel, and make available to parents within its boundaries of responsibility, written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.</p>	<p>A. INITIAL EVALUATION A.1. A public agency must conduct a full and individual initial evaluation, in accordance with 34 CFR Sec. 300.300 through 300.311, before the initial provision of special education and related services to a child with a disability under this part. A.2. Only the parent of the child and/or chief administrative official of the public education agency or person designated as special education official may initiate a request for an initial special education evaluation, as referenced in 34 CFR- §§ 300.301(b). A.3. A public education agency shall obtain informed written consent from the parent of the child before conducting an initial evaluation (34 CFR §§ 300.301, 300.503, 300.504, and 300.9). A.4. Public education agencies must complete an initial evaluation within 60 calendar days of receiving voluntary, informed written parental consent to do so (34 CFR §§ 300.301(c)(i) notwithstanding the exceptions in 34 CFR 300.301 2(e).</p> <p>B. REEVALUATION B. 1. The PEA must consider the reevaluation of each child with a disability at least every three years from the date of</p>	
<p>2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and regulations, and state statutes and State Board of Education rules.</p>		
<p>3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be completed as soon as possible, but shall not exceed 60 calendar days from receipt of informed written consent. If the public education agency initiates the evaluation, the 60-day period shall commence with the date of receipt of informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility. If the parent requests the evaluation and the MET</p>		

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<p>concurs, the 60-day period shall commence with the date that the written parental request was received by the public education agency and shall conclude with the date of the MET determination of eligibility.</p> <p>4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parents and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the time-lines for a re-evaluation within three years of the previous evaluation.</p> <p>5. The public education agency may accept current information about the student from another state, public agency, public education agency, or independent evaluator. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation. to meet the requirements identified in subsections (E)(1) through (7).</p> <p>6. For the following disabilities, the full and individual initial evaluation shall include:</p> <p>a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a certified school psychologist.</p> <p>b. Hearing impairment:</p>	<p>previous eligibility determination unless the public agency and the parent agree that a reevaluation is not necessary in accordance with 34 CFR §§300.303 through 34 CFR §§300.311.</p> <p>B. 2. Informed written parental consent requirements apply pursuant to 34 CFR §§ 300.300(c) and 34 CFR §§ 300.301 prior to initiating the reevaluation.</p> <p>B. 3. Dismissal of service is subject to reevaluation requirements under 34 CFR §§ 300.305 (e).</p> <p>B.4. Public education agencies must complete the re-evaluation within 60 calendar days of receiving voluntary, informed written parental consent to do so. Up to a 30 calendar day extension is permissible provided that it is in the best interest of the child and mutually agreed upon.</p> <p>B. 5. Termination of services due to graduation or exceeding age of eligibility are not subject to reevaluation; however a summary of students performance is required pursuant to 34 CFR §§ 300.305 (e)(2) and required under 34 CFR §§ 300.305(e)(3)</p> <p>C. EVALUATION PROCEDURES</p> <p>C. 1. Upon analysis of pertinent data, the MET shall determine whether the child is a child with a disability as defined in IDEA (put in IDEA references) to the extent that</p>	

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<p>i. An audiological evaluation by an audiologist, and</p> <p>ii. An evaluation of communication/language proficiency.</p>	<p>specially designed instruction is required in order for the child to benefit from education.</p> <p>C. 2. In making eligibility determinations, an LEA shall draw upon information from a variety of sources. An LEA shall ensure that information obtained from these sources as appropriate for each student, is documented and carefully considered in accordance with 34 CFR 300.306.</p> <p>C. 3. Eligibility determination meeting will be conducted subject to meeting notice requirements under Sec. 300.322.</p> <p>C. 4. An LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.</p> <p>C. 5. If the child is determined eligible for special education, an IEP shall be developed within 30 days of eligibility determination, not to exceed 90 calendar days from the date of informed parental consent to conduct an initial evaluation.</p> <p>C. 6. The evaluation will be conducted by a team of qualified persons including parents and those with the appropriate expertise, certification and/or licensure as prescribed by Arizona law and 34 CFR 300.8</p>	
<p>c. Other health impairment: verification of a health impairment by a doctor of medicine.</p> <p>d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:</p> <p> i. A discrepancy between achievement and ability;</p> <p> ii. The child's response to scientific, research-based interventions; or</p> <p> iii. Other alternative research-based procedures.</p> <p>e. Orthopedic impairment: verification of the physical disability by a doctor of medicine.</p> <p>f. Speech/language impairment: an evaluation by a certified speech-language therapist.</p>	<p>D. Specific Learning Disability</p> <p>D.1. In determining the existence of a SLD the LEA shall use one or more of the</p>	

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<p>g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:</p> <ul style="list-style-type: none"> i. An audiometric screening within the past calendar year, ii. A review of academic history and classroom functioning, iii. An assessment of the speech problem by a speech therapist, or iv. An assessment of the student's functional communication skills. <p>h. Traumatic brain injury: verification of the injury by a doctor of medicine.</p> <p>i. Visual impairment: verification of a visual impairment by an ophthalmologist or optometrist.</p> <p>7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a student's re-evaluation.</p>	<p>methods to meet the criteria as identified under IDEA section 300.307 and determination requirements under 309,310 311.</p>	

Considerations, Recommendations and Suggestions for the Rule Committee
E. Initial Evaluation, Re-Evaluation and Evaluation Procedures

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F. Parental Consent.		
1. <i>A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child</i>	Embedded in multiple sections vs separate section	
2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.	Embedded in multiple sections vs separate section	
3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:	Embedded in multiple sections vs separate section	
a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and	Embedded in multiple sections vs separate section	
b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.	Embedded in multiple sections vs separate section	

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<p>4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the public education agency:</p> <p>a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;</p> <p>b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p>c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and</p> <p>d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.</p>	<p>Embedded in multiple sections vs separate section</p>	
<p>5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.</p>	<p>Embedded in multiple sections vs separate section</p>	

Considerations, Recommendations and Suggestions for the Rule Committee

F. Parental Consent

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G. Individualized Education Program (IEP)		
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures for the development, implementation, review, and revision of IEPs.	Eliminate	
2. Procedures for IEPs shall meet the requirements of the IDEA and regulations, and state statutes and State Board of Education rules.	G.1 Each public education agency (PEA) shall ensure an IEP is developed and implemented for each child with a disability (34 CFR 300.8) served by the PEA in accordance with 34 CFR 300.320-328.	

<p>3. Procedures shall include the incorporation of Arizona Academic Standards into the development of each IEP. IEP goals aligned with the Arizona Academic Standards shall identify the specific level within the Standard that is being addressed.</p>	<p>G.2 In the development of the IEP, the team shall consider the strengths and needs of the student in the context of the state adopted standards and the general education curriculum of the district. If the student's expected progress toward annual goals substantially deviates from what was anticipated the team will reconvene.</p> <p>G.3 The IEP shall include specially designed instruction (CFR 300.39), supplementary aids and services (CFR 300.42), transition planning (CFR 300.43), and related services (CFR 300.34) <i>that enable the student to access and make progress in the general curriculum implemented by a provider(s) as determined appropriate by the IEP team pursuant to CFR 300.320.</i></p> <p>Seek input from the larger group – Require transition planning to begin at age 14 Require transition planning to begin at the first IEP of the student's 9th grade year but not later than the first IEP to be in effect when the child turns 16.</p> <p>Should we have a rule that requires transition services to begin before 16 if so at what age or grade level should it be?</p>	
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4. Each IEP of a student with a disability shall stipulate the provision of instructional or support services by a special education teacher, certified speech-language therapist, and/or ancillary service provider(s), as appropriate.	Eliminate	
5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without standard accommodations as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.	G4 Each student with a disability who has an IEP shall participate in the state established assessment system based on the State's established eligibility criteria.	
6. A meeting shall be conducted to review and revise each student's IEP at least annually or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting.	Eliminate	
7. A parent or public education agency may request in writing a review of the IEP. Such review shall take place within 15 school days of the receipt of the request or at a mutually agreed upon time but not to	G5 Any member of the IEP team can request to convene the IEP team to review and revise the IEP when necessary, consistent with IDEA CFR 300.324. LEA must respond to the request within a	

exceed 30 school days.	reasonable amount of time pursuant to IDEA notification requirements.	
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Considerations, Recommendations and Suggestions for the Rule Committee

G. IEP

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H. Least Restrictive Environment		
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and regulations, and state statutes and State Board of Education rules.		
2. A continuum of services and supports for students with disabilities shall be available through each public education agency.		

Considerations, Recommendations and Suggestions for the Rule Committee
H. Least Restrictive Environment